

EXHIBIT C

End of data reached, enter new start value

***** Bexar County Centralized Docket System *****

12/12/2019

- Proceeding Information -

10:25:20

Case 2019CI24483

Selection: ___ Case Nbr: 2019CI24483 ___ Qualifier _____

Style: JACQUELINE J CRUZ vs WELLS FARGO BANK NA

Court: 057 Docket Type: OTHER CIVIL CASES

Status: PENDING

Actions: (A,M,P) Unpaid Balance: 370.00 Account Number:

Seq	Date Filed	Reel	Image	Page Cnt
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00001	11/27/2019			
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DESC: PETITION

00002	11/27/2019			
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DESC: ACKNOWLEDGMENT OF PROPRIA PERSONA PARTY

00003	11/27/2019			
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DESC: AFFD OF INABILITY TO PAY COSTS

00004	11/27/2019			
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DESC: REQUEST FOR SERVICE AND PROCESS

00005	11/27/2019			
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DESC: SERVICE ASSIGNED TO CLERK 2

*** End of Data ***

Enter-PF1---PF2---PF3---PF4---PF5---PF6---PF7---PF8---PF9---PF10--PF11--PF12---
help retrn main add build top bkwr frwr bot SI TI quit

Order(s) for Cause Nbr 2019CI24483 displayed successfully

***** Bexar County Centralized Docket System *****

12/12/2019

- Orders Information -

10:26:39

Case 2019CI24483

Selection: __ Case Nbr: 2019CI24483 Qualifier: _____

Style: JACQUELINE J CRUZ vs WELLS FARGO BANK NA

Court: 057 Docket Type: OTHER CIVIL CASES Status: PENDING

Actions: (A,M,P) Unpaid Balance: 370.00 Account Number:

Seq	Date Filed	Judge Name	Volume	Page	Page Cnt	Amount	SOF
00001	12/02/2019	AARON S HAAS	5231	0117	0003		

- 00001 12/02/2019 AARON S HAAS

5231 0117 0003

Desc: TEMP RESTRAINING ORDER

Box #: 2019 - 0343

*** End of Data ***

Enter-PF1---PF2---PF3---PF4---PF5---PF6---PF7---PF8---PF9---PF10--PF11--PF12---

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Cause Nbr 2019CI24483 displayed successfully

***** Bexar County Centralized Docket System *****

12/12/2019

- Docket Information -

10:26:47

Case 2019CI24483

Selection: ___ Actions: _ (A,C,D,M,P)

CASE NBR: 2019CI24483_____

PRINT RT LABELS? N (Y/N/#)

Date Filed: 11/27/2019

Court: 057_

Unpaid Balance:

370.00

Type of Docket: OCC__ OTHER CIVIL CASES

* * * S T Y L E * * *

JACQUELINE J CRUZ_____

VS WELLS FARGO BANK NA_____

DISCOVERY LEVEL: 3

Account Type: ___

Account Number: _____

Access: _ PUBLIC

Status: P PENDING

List Type: C CIVIL

Warrant Nbr: _____

Remarks: MARTHA M_____

Last Update: 11/27/2019 1549 DC3Q 40562 Entry Info: 11/27/2019 1537 DC3Q 40562
Enter-PF1---PF2---PF3---PF4---PF5---PF6---PF7---PF8---PF9---PF10---PF11---PF12---
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Litigant(s) for Cause Nbr 2019CI24483 displayed successfully

***** Bexar County Centralized Docket System *****

12/12/2019

- Litigant Information -

10:26:53

Case 2019CI24483

Selection: __ Case Nbr: 2019CI24483_____

Style: JACQUELINE J CRUZ vs WELLS FARGO BANK NA

Court: 057 Docket Type: OTHER CIVIL CASES

Status: PENDING

Actions: (A,D,M,P) Unpaid Balance: 370.00 Account Number:

Seq Last /First /Middle Name

Lit. Type/Attorney Date

_ 00001 CRUZ JACQUELINE J

PROPIA PERSONA 11/27/2019

_ 00002 WELLS FARGO BANK NA

CRUZ, JACQUELINE J 210 860-0802

DEFENDANT 11/27/2019

NO ATTORNEY ASSIGNED

*** End of Data ***

Enter-PF1---PF2---PF3---PF4---PF5---PF6---PF7---PF8---PF9---PF10--PF11--PF12---
 help retrn main add cont top bkwr frwr bot DI AI quit

Setting(s) for Cause Nbr 2019CI24483 displayed successfully

***** Bexar County Centralized Docket System *****

12/12/2019

- Trial Information -

10:27:00

Case 2019CI24483

Selection: ___ Case Nbr: 2019CI24483 ___ Qualifier _____

Style: JACQUELINE J CRUZ vs WELLS FARGO BANK NA

Court: 057 Docket Type: OTHER CIVIL CASES

Status: PENDING

Actions: (A,M,P)

Unpaid Balance:

370.00

Account Number:

Seq	Date Filed	Court	Sett. Date	Time	Atty. Initials
00006	12/02/2019	109	12/16/2019	0900AM	JJC

Desc: NON-JURY

SETTING ON TEMPORARY RESTRAINING ORDER

*** End of Data ***

Enter-PF1---PF2---PF3---PF4---PF5---PF6---PF7---PF8---PF9---PF10--PF11--PF12---
 help retrn main add build top bkwr frwr bot PI OI quit



COUNTY CLERK & DISTRICT CLERK COURT RECORDS SEARCH

Case #2019CI24483

Name: JACQUELINE J CRUZ

Date Filed : 11/27/2019

Case Status : PENDING

Litigant Type : PROPIA PERSONA

Court : 057

Docket Type : OTHER CIVIL CASES

Business Name : 2019CI24483

Style : JACQUELINE J CRUZ

Style (2) : vs WELLS FARGO BANK NA

Case History

Currently viewing all records

Sequence	Date Filed	Description
S00001	12/4/2019	CITATION CERTIFIED MAIL WELLS FARGO BANK NA ISSUED: 12/4/2019
O00001	12/2/2019	TEMP RESTRAINING ORDER JUDGE: AARON S HAAS VOL: 5231 PAGE: 117 PAGE COUNT: 3
T00006	12/2/2019	NON-JURY SETTING ON TEMPORARY RESTRAINING ORDER COURT: 109 TRIAL DATE & TIME: 12/16/2019 9:00AM
B00001	12/2/2019	JACQUELINE J. CRUZ AGENT: AMOUNT: \$100.00 SURETY: CASH DEPOSIT IN LIEU OF REASON: TRO BOND FORM: CASH
P00005	11/27/2019	SERVICE ASSIGNED TO CLERK 2
P00004	11/27/2019	REQUEST FOR SERVICE AND PROCESS
P00003	11/27/2019	AFFD OF INABILITY TO PAY COSTS
P00002	11/27/2019	ACKNOWLEDGMENT OF PROPRIA PERSONA PARTY
P00001	11/27/2019	PETITION

2019-CI-24483



057TH JUDICIAL DISTRICT COURT

JACQUELINE J CRUZ VS WELLS FARGO BANK N

DATE FILED: 11/27/2019

2

JACQUELINE J. CRUZ
Plaintiff

v.

WELLS FARGO BANK N.A.
Defendant

IN THE DISTRICT COURT

____ JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

AFFIDAVIT OF INABILITY

PLAINTIFF'S ORIGINAL PETITION AND APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND TEMPORARY INJUNCTION

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Plaintiff, JACQUELINE J. CRUZ, who files this Petition, in the interest of justice and fairness, and for the underlying violations of the Texas Debt Collection Act, Texas Business and Commerce Code, Texas Property Code, and for a Declaratory Judgment as stated herein, and asks this honorable Court to grant the Application for Temporary Restraining Order against WELLS FARGO BANK N.A., and collectively referred to as Defendant, to prevent Defendant from conducting the Substitute Trustee's Sale scheduled for Tuesday, December 3, 2019, on the west side of the Bexar County Courthouse located at 100 Dolorosa, San Antonio, Texas or as designated by the Commissioner's Court, and from otherwise selling or taking possession of the property subject of this litigation, which is incorporated by reference and fully set forth at length herein, during the pendency of this cause, and from otherwise disturbing or attempting to disturb Plaintiffs peaceable possession and enjoyment of her property, and in support shows the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Pursuant to Rule 190.1 of the Texas Rules of Civil Procedure, Plaintiff intends to conduct discovery in this case under Level 3.

PARTIES AND SERVICE

2. Plaintiff is an individual whose mailing address in 10506 Bluegrass Pond, San Antonio, Texas 78254. The last three digits of JACQUELINE J. CRUZ' driver's license number are 107. The last three digits of JACQUELINE J. CRUZ' social security number are 751

3. Defendant WELLS FARGO BANK N.A., is an entity formed under the laws of the State of Delaware which conducts business in Texas and may be served with process as follows:

Wells Fargo Bank N.A., C/O Corporation Service Company, 211 East 7th Street, Suite 620, Austin, Texas 78701, or wherever it may be found.

JURISDICTION AND VENUE

4. The subject matter in controversy is within the jurisdictional limits of this Court.

5. This Court has personal jurisdiction because the property which is the subject of this litigation is located in Texas and Defendants are doing business within this state.

6. Venue in this cause is proper in Bexar County, Texas pursuant to Section 17.56 of the Texas Business and Commerce Code and under Section 15.001 of the Texas Civil Practice and Remedies Code because this action involves real property and the property is located in Bexar County, Texas.

FACTS

7. Plaintiff is the record owner of the property located at 10506 Bluegrass Pond, San Antonio, Texas 78254, more specifically described as:

LOT 22, BLOCK 10, NEW CITY BLOCK 17635, BRIDGEWOOD SUBDIVISION, UNIT 6, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT OF RECORD IN VOLUME 9547, PAGE 209, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.

8. Plaintiff requested, in writing on various dates, that the Defendant produce certified copies of any and all transfer documents showing all of the transfers and assignments of the

Original Deed of Trust and the Original Note. Additionally, Plaintiff has requested that the Defendant produce the Original Note. These requests were made in order to verify that Defendant is in fact the "Holder in Due Course" of the note as required by Texas Law. Defendant have yet to produce such documents. It is Plaintiff's belief that the Defendant does not have the authority to foreclose on the property and is in fact not the actual holder of the original note, and therefore not entitled to collect on a debt.

9. Plaintiff allegedly signed a Promissory Note in order to purchase the property located at 10506 Bluegrass Pond, San Antonio, Texas 78254, on July 1, 2003. After requesting documents to verify the debt and Note Holder, the Defendant have refused to produce the Original Note or any other documentation. Further, Defendant have not allowed Plaintiff to review any documentation to confirm their authenticity.

10. Plaintiff allegedly signed a Deed of Trust on July 1, 2003, which was allegedly recorded in the office of the County Clerk of Harris County, Texas Deed Records Department. Although Plaintiff has requested documents to verify that all of the transfers and assignments of the Original Deed of Trust were executed or recorded properly, the Defendant have not yet produced any such documentation.

11. Plaintiff has attempted to verify by letter and phone if Defendant are in fact the Holder in Due Course and Holder or representative of the Holder in Due Course and Holder of the Note. Plaintiff has requested that Defendant pull the pending Substitute Trustee's Sale on Tuesday December ³~~1~~, 2019, until the debt is validated and the true holder in Due Course and Holder of the Note is known. Defendant have refused to do so and in fact intend to pursue this collection action by executing the Substitute Trustee's Sale on December ³~~2~~, 2019 on the west side of the

Bexar County Courthouse located at 100 Dolorosa, San Antonio, Texas or as designated by the Commissioner's Court.

12. Plaintiff timely made all of the payments due and owing under the original mortgage loan until approximately 2010, when Plaintiff experienced a financial hardship, resulting in expenses and diminished income making mortgage payments burdensome. At that time Plaintiff reached out and a second lien was placed on Plaintiff's property in the amount of \$14,633.72.

13. Plaintiff timely made all of the payments due and owing under the original mortgage loan until approximately 2018, when Plaintiff experienced a financial hardship, resulting in expenses and diminished income making mortgage payments burdensome. At that time Plaintiff reached out and a modification was granted by the Defendant.

14. Plaintiff timely made all of the payments due and owing under the original mortgage loan until approximately mid 2019, when Plaintiff experienced yet another financial hardship, resulting in expenses and diminished income making mortgage payments burdensome. At that time Plaintiff reached out to Defendant and applied for another loan modification.

15. Defendant led Plaintiff to believe that a loan modification could be obtained. However, instead of actually reviewing her numerous requests for another loan modification or provide any other mortgage relief assistance options, Defendant waited and eventually notified Plaintiff, that Plaintiff was not eligible for a second loan modification until the expiration of 20 months since the previous modification was granted, after foreclosure proceedings had been initiated.

TEXAS PROPERTY CODE VIOLATION

13. Defendant failed to give proper notice because all transfers of the lien were not recorded timely as required by Texas Law, prior to the acceleration and collection action on the Note.

14. Plaintiff has reason to believe that the Mortgagee listed on the Notice of Substitute Trustee's Sale is not the current Holder in Due Course and Holder of the Original Note.

TEXAS BUSINESS & COMMERCE CODE VIOLATION

15. The Texas Business and Commerce Code states that only a "Holder" of an instrument, or a non-holder in possession of the instrument, is entitled to enforce the instrument, whether that be through enforcement of the Deed of Trust or any other manner.

16. A foreclosure action is merely a collection action on a negotiable instrument. Therefore, in this case, the negotiable instrument is the Original Mortgage Promissory Note. The Deed of Trust is merely the instrument securing the Original Mortgage Promissory Note. Although the Texas Property Code formulates the procedure by which a Deed of Trust may be used as a security instrument to collect on a mortgage, the Deed of Trust is wholly worthless and invalid if there is no Note for it to secure.

17. Defendant have failed to produce the Original Note with all allonges, transfers and assignments affixed thereto, permanently and irremovably, as required by the Texas Business and Commerce Code. Therefore, they have not shown that they are the "Holder" of the Note or "Holder in Due Course" and have no right to attempt to enforce such note.

TEXAS FINANCE CODE VIOLATION

18. Because Defendant have provided no evidence that they are in fact Holder in Due Course and Holder of the Note, they have no authority to collect on the Note. Defendant nonetheless have engaged in actions to collect on such Note. These actions are thereby fraudulent, deceptive, and/or misleading representations actionable under the Texas Finance Code §§392.303 and 392.304, The Texas Debt Collection Act (TDCA).

19. Defendant is in violation of Texas Finance Code Section 392.301(8), therefore having no authority to collect on the note or hold a Substitute Trustee's Sale.

20. All alleged transfers, assignments, and misstatements of facts regarding the Note by Defendant, and the failure of Defendant to verify that they are the Holder in Due Course and Holders of the Note, constitute violations of the Texas Finance Code.

DECLARATORY JUDGMENT

21. The Plaintiff requests that the Court declare that any attempt to foreclose pursuant to the Texas Property Code Section 51.001 et seq is an action to collect a debt and therefore the Defendant must produce the one and only Original Promissory Note signed by the Plaintiff for inspection by the Plaintiff and or their document examiner prior to proceeding with any foreclosure proceedings.

APPLICATION FOR TEMPORARY RESTRAINING ORDER

22. After knowledge of a possible sale, Plaintiff has requested that Defendant produce certified copies of any and all transfer documents showing all of the transfers and assignments of the Original Deed of Trust, as well as the Original Note. Such documentation has not yet been provided to Plaintiff.

23. Unless this Honorable Court immediately restrains the Defendant from executing a Substitute Trustee's Sale on Tuesday, December ³/₂, 2019, or otherwise selling or taking possession of the subject property during the pendency of this cause, or from otherwise disturbing or attempting to disturb Plaintiff's peaceable possession and enjoyment of the property, Plaintiff will suffer immediate and irreparable injury, for which there is no adequate remedy at law to give Plaintiff complete, final and equal relief. More specifically, Plaintiff will show unto the Court the following:

- a. The harm to Plaintiff is imminent because Plaintiff will lose her property.
 - b. There is no adequate remedy at law which will give Plaintiff complete, final and equal relief if the Temporary Restraining Order is not granted and any transfer of the property is allowed to take place.
 - c. Plaintiff is willing to post a reasonable temporary restraining order bond, and hereby requests this Honorable Court to set such bond at a reasonable amount.
 - d. Plaintiff has met the burden by establishing each element which must be present before injunctive relief can be granted by this Court, therefore Plaintiff is entitled to the requested Temporary Restraining Order.
24. Plaintiff requests this Honorable Court to restrain the Defendant from executing the Substitute Trustee's Sale scheduled for Tuesday, December ³/₂, 2019 or selling or otherwise taking possession of the subject property during the pendency of this cause, or from otherwise disturbing or attempting to disturb Plaintiff's peaceable possession and enjoyment of the property.
25. Plaintiff is likely to succeed on the merits of this lawsuit.

CAUSE OF ACTION -
COMMON LAW FRAUD

Plaintiff hereby incorporates by reference and reallege all material allegations of fact as set forth hereinabove.

The acts, conduct and/or omissions of the Defendant as described herein, supra, also constitute common law fraud and are the proximate cause of the actual damages sustained and incurred by Plaintiff in excess of the minimum jurisdictional limits of this Court.

As each of the acts, conduct and/or omissions of Defendant as described herein that constitute common law fraud were committed intentionally, knowingly and/or with malice, or a

conscious indifference as to the rights of Plaintiff, Plaintiff is entitled to an award of exemplary damages in excess of the minimum jurisdictional limits of this Court.

CAUSE OF ACTION
BREACH OF CONTRACT AND FAILURE OF CONDITION PRECEDENT

Plaintiff hereby incorporates by reference and reallege all material allegations of fact as set forth hereinabove.

The acts, conduct or omissions of the Defendant and/or Substitute Trustee(s) as described herein, supra, also constitute a material breach of the Deed of Trust contract and a failure of condition precedent as to their attempted acceleration of Plaintiff's loan and/or posting of Plaintiff's homestead property for foreclosure sale, which material breach is the proximate cause of the actual damages sustained and incurred by Plaintiff in excess of the minimum jurisdictional limits of this Court.

VIOLATIONS OF RESPA AND REGULATION X OF
THE CODE OF FEDERAL REGULATIONS

Plaintiff hereby incorporates by reference and reallege all material allegations of fact as set forth hereinabove.

The acts, conduct and/or omissions of Defendant which at all material times hereto was/were acting in its/their alleged capacity as a "mortgage servicer" also constitute violations of Regulation X of the Code of Federal Regulations established by the Consumer Financial Protection Bureau, 12 C.F.R. § 1024.41 et seq., which became effective as of January 10, 2014, because Defendant and/or its/their various agents, representative or employees, committed numerous violations of this statute, and those statutory violations are a producing cause of the actual damages sustained and incurred by Plaintiffs in excess of the minimum jurisdictional limits of this Court.

PRAYER FOR RELIEF

WHEREFORE PREMISES CONSIDERED, PLAINTIFF RESPECTFULLY REQUESTS:

26. That this Petition be filed and that a day be appointed for a hearing on this matter;
27. That notice of the filing of this Petition and the hearing date be given to all parties;
28. That a Temporary Restraining Order will issue, restraining Defendant WELLS FARGO BANK N.A., Defendant's officers, agents, servants, employees, and assigns, constables, sheriffs, Justices of the Peace, and attorneys from directly or indirectly from executing a Substitute Trustee's Sale or otherwise selling or taking possession of the subject property during the pendency of this cause, or from otherwise disturbing or attempting to disturb Plaintiff's peaceable possession and enjoyment of the property;
29. That the Court set a reasonable bond for the Temporary Restraining Order;
30. That, after notice and hearing, any and all Substitute Trustee's Sale on the above-specified property will be set aside and a temporary injunction will issue enjoining and restraining Defendant, Defendant's officers, agents, servants, employees, and assigns, constables, sheriffs, Justices of the Peace, and attorneys from directly or indirectly from executing a Substitute Trustee's Sale or otherwise selling or taking possession of the subject property during the pendency of this cause, or from otherwise disturbing or attempting to disturb Plaintiff's peaceable possession and enjoyment of the property;
31. That after trial on the merits, the Court permanently enjoin Defendant, Defendant's officers, agents, servants, employees, and assigns, constables, sheriffs, Justices of the Peace, and attorneys from directly or indirectly from executing a Substitute Trustee's Sale on Tuesday, December ³/₂, 2019, or otherwise selling or taking possession of the subject property during the

pendency of this cause, or from otherwise disturbing or attempting to disturb Plaintiff's peaceable possession and enjoyment of the property;

32. Economic Damages;

33. Punitive Damages;

34. A declaration that the Defendants must produce the one and only Original Promissory Note signed by the Plaintiff for inspection by the Plaintiff and or her document examiner prior to proceeding with any foreclosure proceedings;

35. A declaration that the Court declare that any attempt to foreclose pursuant to the Texas Property Court Sec. 51.005 et seq is an action to collect a debt;

36. Exemplary Damages;

37. Equitable Relief;

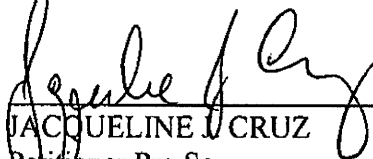
38. Reasonable Fees;

39. Costs of Court; and

40. All other relief to which Plaintiff is entitled.

41. Plaintiff prays for general relief.

Respectfully submitted,



JACQUELINE I. CRUZ

Retitioner Pro Se

10506 Bluegrass Pond

San Antonio, TX 78254

Tel: (210) 860-0802

Email: jacqueline.jackson.cruz@gmail.com

CAUSE NO: 2019-CZ-24483JACQUELINE J. CRUZ
Plaintiff

v.

WELLS FARGO BANK N.A.
Defendant§
§
§
§
§
§
§

IN THE DISTRICT COURT

57th JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

TEMPORARY RESTRAINING ORDER

On this date the Application for a Temporary Restraining Order of Plaintiff, JACQUELINE J. CRUZ, that was incorporated into and pled in Plaintiff's Original Petition and Application for Temporary Restraining Order and Temporary Injunction and Request for Disclosure ("Petition") in this cause, was heard and considered before this Court.

Based upon the pleading and documents filed by Plaintiff and presented to the Court, as well as the arguments of counsel at the hearing, IT CLEARLY APPEARS:

1. That unless Defendant, WELLS FARGO BANK N.A., or their various agents, employees or attorneys are immediately enjoined and restrained, Defendant will proceed with a foreclosure sale on Tuesday, December ³2, 2019, of the Plaintiff's homestead property identified and described in the Petition, and Plaintiff will suffer an immediate and irreparable harm and will have no adequate remedy under the law, and Defendant will commit the foregoing before notice and a hearing on Plaintiff's Application for Temporary Injunction; and
2. Plaintiff will suffer an irreparable harm if Defendant, and/or their various agents, employees or attorneys are not restrained immediately because Plaintiff will lose her fee simple title and ownership of their homestead residence, which is unique and irreplaceable, and there is no adequate remedy at law to grant Plaintiff complete, final and equitable relief.



11/13/2019 10:00 AM 19-01446-3

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendant, WELLS FARGO BANK N.A., and/or their various agents, employees and attorneys are hereby ORDERED to immediately cease and desist from attempting or proceeding with any foreclosure sale on Tuesday, December ³~~2~~, 2019, of Plaintiff's homestead property identified and described in the Petition, which is commonly known as 10506 Bluegrass Pond, San Antonio, Texas 78254. Defendant is hereby immediately enjoined and restrained from the date of entry of this order until fourteen (14) days hereafter, or until further order of this Court.

IT IS THEREFORE FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff's Application for Temporary Injunction be heard on December 16, 2019, at 9 o'clock (a.m.) p.m. in the courtroom of the Residing District Court of Bexar County, Texas located in the Bexar County Courthouse at 100 Dolorosa Street, Floor 1, Room 109, San Antonio, Texas 78205, and that Defendant is commanded to appear at that time and show cause, if any, why a temporary injunction should not be issued against said Defendant.

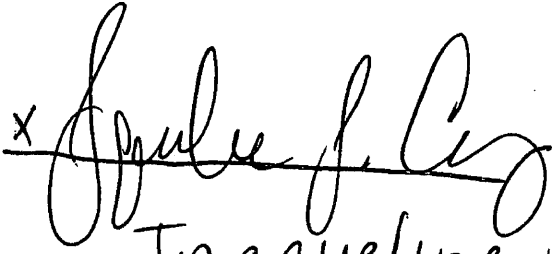
The Clerk of the above-entitled court shall issue a notice of entry of a temporary restraining order in conformity with the law and the terms of this order, to include a copy of this order, upon the filing by Plaintiff of the bond thereafter set.

This ORDER shall not be effective until Plaintiff deposits with the Bexar County District Clerk, a bond in the amount of \$ 100, in due conformity with applicable law. The bond may be in the form of cash, cashier's check or a check drawn from the operating account of the Plaintiff's attorneys' law firm.

12/02/2019 10:04 AM 01-18

SIGNED on ^{Dec} November 2 2019 at 3:45 A.M. / P.M.


JUDGE PRESIDING

x 
Jacqueline J. Cruz

2019 DEC 13 PM 4:05 FAXED TO CLERK

2019-CI-24483

NOTICE: THIS DOCUMENT COMES FROM THE 057TH JUDICIAL DISTRICT COURT

2019CI24483 -P00003



Cause Number: JACQUELINE J CRUZ VS WELLS FARGO BANK N

DATE FILED: 11/27/2019

Plaintiff: Jacqueline J. Cruz
(Print first and last name of the person filing the lawsuit.)

In the (check one):

- ☐ District Court
☐ County Court / County Court at Law
☐ Justice Court

And
 Defendant: Wells Fargo Bank, N.A. Bexar Texas
 (Print first and last name of the person being sued.) County

Statement of Inability to Afford Payment of Court Costs

AFFIDAVIT OF INABILITY

1. Your Information

My full legal name is: Jacqueline Jackson Cruz My date of birth is: [REDACTED]
 First Middle Last Month/Day/Year

My address is: (Home) 10506 Bluegrass Pond
 (Mailing) San Antonio, TX

My phone number 210-860-0802 My email: jacqueline.jackson.cruz@gmail.com

About my dependents: "The people who depend on me financially are listed below."

Name	Age	Relationship to Me
1. <u>Brittanie Cruz</u>	<u>21</u>	<u>daughter</u>
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____

2. Are you represented by Legal Aid?

☐ I am being represented in this case for free by an attorney who works for a legal aid provider or who received my case through a legal aid provider. I have attached the certificate the legal aid provider gave me as 'Exhibit: Legal Aid Certificate.'

-or-

☐ I asked a legal-aid provider to represent me, and the provider determined that I am financially eligible for representation, but the provider could not take my case. I have attached documentation from legal aid stating this.

or-

☒ I am not represented by legal aid. I did not apply for representation by legal aid.

3. Do you receive public benefits?

☒ I do not receive needs-based public benefits. - or -

☐ I receive these public benefits/government entitlements that are based on indigency:

(Check ALL boxes that apply and attach proof to this form, such as a copy of an eligibility form or check.)

- ☐ Food stamps/SNAP ☐ TANF ☐ Medicaid ☐ CHIP ☐ SSI ☐ WIC ☐ AABD
☐ Public Housing or Section 8 Housing ☐ Low-Income Energy Assistance ☐ Emergency Assistance
☐ Telephone Lifeline ☐ Community Care via DADS ☐ LIS in Medicare ("Extra Help")
☐ Needs-based VA Pension ☐ Child Care Assistance under Child Care and Development Block Grant
☐ County Assistance, County Health Care, or General Assistance (GA)
☐ Other: _____

4. What is your monthly income and income sources?

"I get this monthly income:

\$ 2500 in monthly wages. I work as a Insurance Sales for Farmers Ins
Your job title Your employer

\$ _____ in monthly unemployment. I have been unemployed since (date) _____.

\$ _____ in public benefits per month.

\$ _____ from other people in my household each month: (List only if other members contribute to your household income.)

\$ _____ from ☐ Retirement/Pension ☐ Tips, bonuses ☐ Disability ☐ Worker's Comp
☐ Social Security ☐ Military Housing ☐ Dividends, interest, royalties
☐ Child/spousal support
☐ My spouse's income or income from another member of my household (if available)

\$ _____ from other jobs/sources of income. (Describe) _____

\$ _____ is my total monthly income.

5. What is the value of your property?

"My property includes:

Cash \$ 30

Bank accounts, other financial assets

_____ \$ _____

_____ \$ _____

_____ \$ _____

Vehicles (cars, boats) (make and year)

_____ \$ _____

_____ \$ _____

_____ \$ _____

Other property (like jewelry, stocks, land, another house, etc.)

_____ \$ _____

_____ \$ _____

_____ \$ _____

Total value of property → \$ _____**6. What are your monthly expenses?**

"My monthly expenses are:

Rent/house payments/maintenance \$ 1550Food and household supplies \$ 100Utilities and telephone \$ 200Clothing and laundry \$ 50Medical and dental expenses \$ 0Insurance (life, health, auto, etc.) \$ 200School and child care \$ 0Transportation, auto repair, gas \$ 100Child / spousal support \$ 0

Wages withheld by court order \$ _____

_____ \$ _____

Debt payments paid to: (List) \$ _____

_____ \$ _____

_____ \$ _____

Total Monthly Expenses → \$ 2200

*The value is the amount the item would sell for less the amount you still owe on it, if anything.

7. Are there debts or other facts explaining your financial situation?"My debts include: (List debt and amount owed) IRS(If you want the court to consider other facts, such as unusual medical expenses, family emergencies, etc., attach another page to this form labeled "Exhibit: Additional Supporting Facts.") Check here if you attach another page. ☐**8. Declaration**

I declare under penalty of perjury that the foregoing is true and correct. I further swear:

☒ I cannot afford to pay court costs.☐ I cannot furnish an appeal bond or pay a cash deposit to appeal a justice court decision.My name is Jacqueline Cruz My date of birth is: 1-1-My address is 10506 Bluegrass Pkwy SA TX 78254 Bexar
Street City State Zip Code CountrySignature [Signature] signed on 11/27/19 in Bexar County, TX
Month/Day/Year county name State

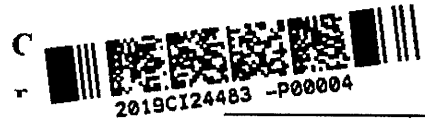


2019-CI-24483

057TH JUDICIAL DISTRICT COURT

JACQUELINE J CRUZ VS WELLS FARGO BANK N

DATE FILED: 11/27/2019

Request for Process

FILED
DISTRICT CLERK
BEXAR CO. TEXAS
19 NOV 27 PM 3:48
DEPUTY

Style: _____

**AFFIDAVIT OF
INABILITY**

Request the following process: (Please check all that Apply)

- ☒ Citation ☐ Notice ☐ Temporary Restraining Order ☐ Notice of Application for Protective Order
☐ Temporary Protective Order ☐ Precept with hearing ☐ Precept without a hearing ☐ Writ of Attachment
☐ Writ of Habeas Corpus ☐ Writ of Garnishment ☐ Writ of Sequestration ☐ Capias ☐ Other: _____

1.

Name: Wells Fargo Bank N.A.

Registered Agent/By Serving: _____

Address: C/O Corporation Service Company 211 East First Street

Service Type: (Check One) ☐ Private Process ☐ Sheriff ☐ Commissioner of Insurance ☐ SA Express News ☐ Hart Beat ☐ Courthouse Door
☒ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Constable Pct _____
(Pct. 3 serves process countywide)

2.

Name: austin, TX 78701

Registered Agent/By Serving: _____

Address: _____

Service Type: (Check One) ☐ Private Process ☐ Sheriff ☐ Commissioner of Insurance ☐ SA Express News ☐ Hart Beat ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Constable Pct _____
(Pct. 3 serves process countywide)

3.

Name: _____

Registered Agent/By Serving: _____

Address: _____

Service Type: (Check One) ☐ Private Process ☐ Sheriff ☐ Commissioner of Insurance ☐ SA Express News ☐ Hart Beat ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Constable Pct _____
(Pct. 3 serves process countywide)

4.

Name: _____

Registered Agent/By Serving: _____

Address: _____

Service Type: (Check One) ☐ Private Process ☐ Sheriff ☐ Commissioner of Insurance ☐ SA Express News ☐ Hart Beat ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Constable Pct _____
(Pct. 3 serves process countywide)

Title of Document/Pleading to be Attached to Process: _____

Name of Attorney/Pro se: Jacqueline J. Cruz Bar Number: _____Address: 15016 Blugan, Pnd 3 Phone Number: 210-8100-0802

Attorney for Plaintiff _____ Defendant _____ Other _____

****IF SERVICE IS NOT PICKED UP WITHIN 14 BUSINESS DAYS, SERVICE WILL BE DESTROYED****



2019-CI-24483

057TH JUDICIAL DISTRICT COURT

JACQUELINE J CRUZ VS WELLS FARGO BANK N

DATE FILED: 11/27/2019

Pro Se Acknowledgement

Cause Number: _____

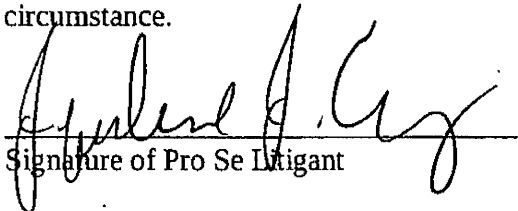
AFFIDAVIT OF
INADVERTENT

I have received, read and understand all of the Pro Se Hearing Guidelines. I agree to abide by these guidelines and understand that my failure to do so may result in adverse action against me, that I may be asked to leave the Courtroom, or that I may not receive the relief I am seeking.

If the opposing party will sign a **Waiver of Citation**, it is only valid if the notarized signature is dated at least one (1) day after the date the **Original Petition for Divorce** is filed.

If I am filing for a divorce or for a change in custody, and my spouse and I care for minor-age children, I will take the required class, "**Helping Children Cope with Divorce**", before asking the court to enter a final Order or Decree. I understand that my divorce will not be granted without presenting the certificate of completion.

I understand that I may hire an attorney to represent me or, if I meet certain requirements, I may be entitled to free counsel. By choosing to voluntarily represent myself, I am now proceeding Pro Se. I will receive no special favors, assistance, or advice from the Judge, judicial staff, or clerks as they cannot and do not represent either party in the litigation. I will be expected to comply with all relevant rules of procedural, evidentiary, and substantive law. I understand that the filing and service fees are not refundable under any circumstance.


 Signature of Pro Se Litigant

11/27/19
 Date

FILED
DISTRICT CLERK
BEXAR CO. TEXAS
19 NOV 27 PM 3:44
DEPUTY
Not Notarized



**Certificate of District Clerk That Plaintiff(s)
Made Cash Deposit In Lieu Of
Temporary Restraining Order Bond**

FILED
DISTRICT CLERK
BEXAR CO. TEXAS

19 DEC -2 PM 4: 26



DEPUTY

The State of Texas
County of Bexar

57th Judicial District Court

I, Mary Angie Garcia , Clerk of the District Courts in and for Bexar County, Texas, do hereby certify that JACQUELINE J. CRUZ in Cause No. 2019CI24483, Styled JACQUELINE J. CRUZ vs. WELLS FARGO BANK, N.A., have this day deposited the sum of ONE HUNDRED DOLLARS AND ZERO CENTS (\$100.00) cash, which is the amount ordered by the Court in lieu of Temporary Restraining Order Bond.

WITNESS, Mary Angie Garcia, Clerk of the District Courts of Bexar County, Texas.
Given under my hand and seal of said Courts of Bexar County, Texas, on December 2, 2019.

Mary Angie Garcia
District Clerk, Bexar County, Texas

BY:

Paul L. Dulin, Deputy

**** RECEIPT REQUIRED FOR REFUND OF FUNDS**

JACQUELINE J CRUZ

vs.

WELLS FARGO BANK NA

(Note: Attached document may contain additional litigants).

IN THE DISTRICT COURT
57th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

DIRECTED TO: WELLS FARGO BANK NA
C/O CORPORATION SERVICE COMPANY

211 EAST 7TH ST 620
AUSTIN TX 78701

**ARREST OF
INABILITY**

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION & APPLICATION FOR TEMPORARY RESTRAINING ORDER & TEMPORARY INJUNCTION, a default judgment may be taken against you." Said CITATION with ORIGINAL PETITION & APPLICATION FOR TEMPORARY RESTRAINING ORDER & TEMPORARY INJUNCTION was filed on the 27th day of November, 2019.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 4TH DAY OF December A.D., 2019.

JACQUELINE J CRUZ
ATTORNEY FOR PROPIA PERSONA
10506 BLUEGRASS POND
SAN ANTONIO, TX 78254



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: *Elvira Enriquez*, Deputy

JACQUELINE J CRUZ
vs
WELLS FARGO BANK NA

Officer's Return

Case Number: 2019-CI-24483
Court: 57th Judicial District Court

Came to hand on the 4th day of December 2019, A.D., at 9:42 o'clock A.M. and EXECUTED (NOT EXECUTED) by CERTIFIED MAIL, on the _____ day of _____ 20____, by delivering to: _____ at 211 EAST 7TH ST 620 AUSTIN TX 78701 a true copy of this Citation, upon which I endorsed that date of delivery, together with the accompanying copy of the CITATION with ORIGINAL PETITION & APPLICATION FOR TEMPORARY RESTRAINING ORDER & TEMPORARY INJUNCTION.

Cause of failure to execute this Citation is _____.

Mary Angie Garcia
Clerk of the District Courts
of Bexar County, TX

By: *Elvira Enriquez*, Deputy